

REMARKS

The application has been reviewed in light of the Office Action dated December 9, 2004. Claims 5-10 have been rejected. Base claims 5 and 8 have been amended. Claim 9 has been cancelled. Claims 5-10 are pending in the application.

Applicants respond to the objections and rejections in the Office Action as follows:

Claim 9 has been rejected under 35 USC 112, second paragraph. In response, claim 9 has been cancelled. Thus, the rejection is moot.

Claims 5-10 stand rejected under 35 U.S.C. §102 (e) as being anticipated by Oh et al (US 6,519,974).

Applicants respectfully traverse the rejection of claim 1 over Oh as the amended claim 1 as now recites, *inter alia*, “a preform cover sealing one end of a holey optical fiber preform having a plurality of air holes disposed in a substantially vertical orientation; a gas supplier for supplying gas into the preform cover to prevent the inner and out air holes from being distorted...” Claim 8 recites similar features.

Applicants respectfully submit that the specification at page 9, lines 5-17, describes the arrangement of the fiber preform and the gas supplier, wherein the gas supplied from the gas supplier using the pressure regular eliminates errors in size between outer air holes and inner air holes, by preventing distortion of the air holes through continuously applying constant pressure to the pre-installed glass tubes defining the air holes.

In contrast, Oh discloses that gas pressure is controlled to collapse overcladding tube into a preform cladding (column 5, lines 3-9, column 6, lines 17-19, and column 7, lines 23-35).

Accordingly, it is respectfully submitted that claim 1 is not anticipated by Oh.

In order for a reference to anticipate a claim, the reference must disclose all of the elements recited by the rejected claims.

The Court of Appeals held in *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) that:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Accordingly, reconsideration and withdrawal of this ground of rejection are respectfully requested. The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.


In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to kindly telephone the undersigned. If there are any fees due and owing, please charge Deposit Account No. 502-470.

Respectfully submitted,

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By:


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Date: February 28, 2005

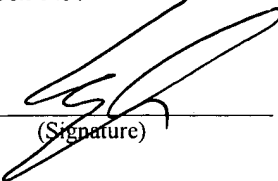
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, Va 22313-1450 on February 28, 2005.

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(Name of Registered Representative)


(Signature)